

disability shall also be immediately reported to the department.

History: Effective April 1, 1982.

General Authority: NDCC 25-01.2-18, 25-16-06, 50-06-16

Law Implemented: NDCC 25-01.2-18, 25-16-10, 50-25.1-02

75-04-02-10. Wages of developmentally disabled persons. Providers generating income from the direct labor of developmentally disabled persons and paying subminimum wages shall submit to the department a true, correct, and current copy of a certificate from the United States department of labor authorizing the payment of subminimum wages.

History: Effective April 1, 1982.

General Authority: NDCC 25-01.2-18, 25-16-06, 50-06-16

Law Implemented: NDCC 25-01.2-06, 25-16-10

75-04-02-11. Access to provider premises and records. The provider shall authorize the department's entry to its facilities and access to its records, in the event the provider declares bankruptcy, transfers ownership, ceases operations, evicts residents of its facilities, or the contract with the department is terminated by either of the parties, for the purpose of facilitating the orderly transfer of clients to an alternative service or the maintenance of appropriate service until an orderly transfer can be made.

History: Effective April 1, 1982.

General Authority: NDCC 25-01.2-18, 25-16-06, 50-06-16

Law Implemented: NDCC 25-01.2-03, 25-16-10

75-04-02-12. Lobbying and political activity. Providers shall not utilize funds provided by or through the department to support lobbying, political candidates, or political activity.

History: Effective April 1, 1982.

General Authority: NDCC 25-16-06, 50-06-16

Law Implemented: NDCC 25-16-10

75-04-02-13. Indemnification. Contracting providers may be required to indemnify and reimburse the department for any federal funds, the expenditure of which is disallowed as a consequence of the provider's failure to establish and maintain adequate records or the provider's failure to otherwise comply with written standards, rules and regulations, or statutes.

History: Effective April 1, 1982.

General Authority: NDCC 25-16-06, 50-06-16

Law Implemented: NDCC 25-16-10

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NEW

**75-04-02-14. Grievance procedure.**

1. Providers shall submit to the department, for review and approval, a copy of a grievance procedure, approved by the governing board, which affords the developmentally disabled person, or that person's parents, guardian, or advocate, a fair hearing of any complaint.
2. The provider shall maintain a record of all hearings provided pursuant to its grievance procedure, and shall note therein the complaint, persons complaining, and the resolution of the grievance.

History: Effective April 1, 1982.

General Authority: NDCC 25-01.2-18, 25-16-06, 50-06-16

Law Implemented: NDCC 25-01.2-18, 25-16-10

**75-04-02-15. Property management and inventory.**

1. The provider shall establish and maintain policies and procedures for the management and maintenance of property and equipment purchased or depreciated with state funds.
2. An inventory of property and equipment meeting the description of subsection 1 shall be separately maintained and identified by serial number and descriptions.
3. The provider shall make the records, and items identified in them, available for inspection by the department upon request to facilitate a determination of the adequacy with which the applicant is managing property and equipment.

History: Effective April 1, 1982.

General Authority: NDCC 25-16-06, 50-06-16

Law Implemented: NDCC 25-16-10

**75-04-02-16. Accounting for funds.** The provider shall establish and maintain financial records consistent with generally accepted accounting principles and the financial reporting requirements of the department.

History: Effective April 1, 1982.

General Authority: NDCC 25-16-06, 50-06-16

Law Implemented: NDCC 25-16-10

**75-04-02-17. Rate of reimbursement.**

1. The provider shall be reimbursed for services to a developmentally disabled person on the basis of reasonable cost.

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SUPERSEDES TRANSMITTAL NEW

2. The rate of reimbursement shall be established pursuant to the applicable provisions of the manual for provider reimbursement of the department.
3. The applicant shall be subject to a financial audit pursuant to the provisions of the manual for provider reimbursement of the department.
4. The denial of access to financial records for audit purposes shall constitute a breach of a contract with the department.

History: Effective April 1, 1982.  
General Authority: NDCC 25-16-06, 50-06-16  
Law Implemented: NDCC 25-16-10

75-04-02-18. Case management. Providers shall establish policies and procedures regarding admission to their services and termination of services in conformance with the North Dakota case management system.

History: Effective April 1, 1982.  
General Authority: NDCC 25-01.2-18, 25-16-06, 50-06-16  
Law Implemented: NDCC 25-01.2-18, 25-16-10

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State: North Dakota

A. Special Payment - Ventilator Dependent Resident

For ventilator dependent individuals who are unable to secure placement in a long term care facility because of increased cost of ventilator care, a special rate may be established upon agreement between the Department of Human Services and facility.

An interim rate will be established based on anticipated patient care related costs over and above those allowable costs involved in establishing the Medicaid rate under the approved reimbursement plan. The criteria for allowable costs as contained in the approved state plan, Attachment 4.19-D, for reimbursement of long term care services will provide the basis for allowing such costs. The facility will provide documentation of the costs based upon methodology agreed to by both parties, the facility and department. The interim rate will be adjusted retroactively to cost based upon audit findings obtained in conjunction with normal audit procedures as applicable to the facility involved.

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Encloses Transmittal None